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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:21-MJ-71091-MAG
)	
Plaintiff,)	STIPULATION AND ORDER CONTINUING
)	PRELIMINARY HEARING OR ARRAIGNMENT
v.)	AND EXCLUDING RULE 5 AND SPEEDY TRIAL
)	TIME
ALIREZA MOHEB,)	
KEVIN RAMIREZ,)	
)	
Defendants.)	

1 On July 2, 2021, the Court conducted an initial appearance for defendant Moheb, and on July 7,
2 2021, the Court conducted an initial appearance for defendant Ramirez, both of whom stand charged by
3 Complaint with narcotics charges in violation of Title 21, United States Code. The matter is currently
4 scheduled for either a preliminary hearing or arraignment on February 11, 2022. The government has
5 produced discovery which defense counsel is in the process of reviewing and discussing with their
6 clients. The parties are hopeful that they can reach pre-indictment resolutions, but require additional
7 time to discuss and potentially finalize any such agreements.

8 Therefore, the parties hereby stipulate and agree:

- 9 1. The preliminary hearing/arraignment scheduled for February 11, 2022 should be
10 continued to March 24, 2022 at 10:00 a.m. before the duty magistrate judge. There is
11 “good cause” for such a continuance. 18 U.S.C. § 3142(f)(2).
- 12 2. The time between February 11, 2022 and March 24, 2022 should be excluded under the
13 Speedy Trial Act because failure to grant the requested continuance would deny defense
14 counsel the reasonable time necessary for effective preparation, taking into account the
15 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The ends of justice served
16 by granting the requested continuance outweigh the best interests of the public and the
17 defendant in a speedy trial and in the prompt disposition of criminal cases. *See* 18 U.S.C.
18 § 3161(h)(7)(A).
- 19 3. Taking into account the public interest in the prompt disposition of criminal cases, there
20 is good cause to extend the time limits under Federal Rule of Criminal Procedure
21 February 11, 2022 through March 24, 2022.

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28 IT IS SO STIPULATED.

DATED: February 10, 2022

Respectfully submitted,

STEPHANIE M. HINDS
United States Attorney

/s/ Alexandra Shepard

ALEXANDRA SHEPARD
Assistant United States Attorney

/s/ James Lassart

JAMES LASSART
Counsel for Defendant AliReza Moheb

/s/ Roni Rotholz


RONI ROTHOLZ
Counsel for Defendant Kevin Ramirez

ORDER

Based upon the representation of counsel and for good cause shown, the Court continues the arraignment/preliminary hearing currently scheduled for February 11, 2022 to March 24, 2022, and finds that failing to exclude the time between February 11, 2022 through March 24, 2022 would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between February 11, 2022 and March 24, 2022 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

Therefore, IT IS HEREBY ORDERED that the time between February 11, 2022 and March 24, 2022 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and Federal Rule of Criminal Procedure 5.1.

DATED: February 10, 2022


HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge